

NEWMAN & SMITH
Counsellors at Law

Howard M. Smith, Esq.
Melvin Newman, Esq. (1920-1997)

ONE GATEWAY CENTER
SUITE 350
NEWTON, MA 02458

617.965.9900 (t)
617.965.9697 (f)
hms@hmsmith.com

December 28, 2006

Civil Clerk/US District Court
District of Massachusetts
Moakley Courthouse
1 Courthouse Way
Boston, MA 02110

re: Kashner Davidson Securities Corp., et. Al. vs. Steven Mscisz, et al
Case No. 05-CV-11433-JLT

Dear Sir or Madam:

Kindly issue execution on the above entitled matter. A draft execution is attached.

Assuming you find this in order, please forward the execution to me at the letterhead address.

Thank you.

Sincerely,

/s/ Howard M. Smith
Howard M. Smith

hs/nm

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 05-cv-11433-JLT

KASHNER DAVIDSION SECURITIES CORP.,)
VICTOR KASHNER, MATTHEW MEISTER,)
and TIMOTHY VARCHETTO,)
Plaintiffs)
vs.)
STEVEN MSCISZ, MARKS MSCISZ and)
LYNDA MSCISZ,)
Defendants)

Certificate of Service

The undersigned hereby certifies that a true copy of Plaintiff's letter requesting execution, with proposed form of execution attached, was served upon the attorney of record for each other party by transmittal of same through applicable electronic case filing on December 28, 2006.

Certified as true and correct on December 28, 2006.

Plaintiff,

By its attorney,

s/Howard M. Smith/

Howard M. Smith
Newman & Smith
One Gateway Center #350
Newton, MA 02458
617 965 9900
BBO 468880

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FIRST EXECUTION

CIVIL ACTION NO. 05CV-11433-JLT

To the United States Marshal for the District of Massachusetts or either of his Deputies:

WHEREAS Kashner Davidson Securities Corp., has recovered judgment against Steven Mscisz, Mark Mscisz, and Lynda Mscisz, jointly and severally, on the 30th day of November, 2006, for the sum of Four Hundred Twenty One Thousand (\$421,000.00) Dollars, with interest thereon at the rate of Six (6%) per annum, from May 18, 2005 until the date of payment of the judgment, as to us appears of record, whereof this First Execution remains to be done, and;

WHEREAS Kashner Davidson Securities Corp., has recovered judgment against Steven Mscisz, Mark Mscisz, and Lynda Mscisz, jointly and severally, on the 30th day of November, 2006, for the additional sum of Fifty Five Thousand One Hundred Eighty-Seven and 75/00 (\$55,187.75) Dollars, to us appears of record, whereof this First Execution remains to be done.

WE COMMAND YOU, therefore, that of the goods and chattels or lands of the said Judgment Debtors, to cause to be paid and satisfied unto the said Judgment Creditor, at the value thereof in money, the aforesaid sums, being the sum of \$421,000.00, with interest thereon at 6% from May 18, 2005 until the date of payment, and the additional sum of \$55,187.75; and thereof also to satisfy yourself for your own fees.

HEREOF FAIL NOT and make due return of this Writ with your doings thereon into the Clerk's Office of our said Court, at Boston, Massachusetts, within Twenty (20) years after the date of said judgment, or within Ten (10) days after this Writ has been satisfied or discharged.

Dated this _____ day of _____.

Sara A. Thornton
Clerk of Court

By: _____
Deputy Clerk